

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VINCENT HARRY KOPACEK,

Defendant.

CR 21–26–BU–DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto’s Findings & Recommendation Concerning Plea. (Doc. 49.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Mr. Kopacek is charged by information with one count of attempted sexual abuse of a minor, in violation of 18 U.S.C. § 2243(a) (Count I), one count of abusive sexual contact, in violation of 18 U.S.C. § 2244(a)(3) (Count II), and one count of assault within maritime and territorial jurisdiction, in violation of 18

U.S.C. § 113(a)(5) (Count III). (Doc. 14.) Judge DeSoto recommends that this Court accept Mr. Kopacek's guilty plea to Count II after he appeared before her pursuant to Federal Rule of Criminal Procedure 11. The Court finds no clear error in Judge DeSoto's Findings and Recommendation and adopts them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendation (Doc. 49) is ADOPTED in full.

IT IS FURTHER ORDERED that Mr. Kopacek's motion to change plea (Doc. 25) is GRANTED.

IT IS FURTHER ORDERED that Mr. Kopacek is adjudged guilty as charged in Count II of the Information.

DATED this 22nd day of February, 2022.



Dana L. Christensen, District Judge
United States District Court